

M.P., Appellant

**DEPARTMENT OF JUSTICE, JUSTICE
MANAGEMENT DIVISION, Washington, DC,
Employer**

Case Submitted on the Record

Before:

On October 2, 2019 appellant filed an appeal from August 6 and September 19, 2019 nonmerit decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 20-0200.

The Board has duly considered the matter and finds that this appeal must be dismissed. By decision dated February 22, 2019, OWCP denied appellant's request for authorization for left wrist joint repair surgery. On July 15, 2019 appellant filed an appeal with the Board of the February 22, 2019 OWCP decision under Docket No. 19-1557.

The Board’s *Rules of Procedure*, at section 501.2(c)(3), provides, “The Board and OWCP may not exercise simultaneous jurisdiction over the same issue in a case on appeal. Following the docketing of an appeal before the Board, OWCP does not retain jurisdiction to render a further decision regarding the issue on appeal until after the Board relinquishes jurisdiction.”¹

¹ 20 C.F.R. § 501.2(c)(3). *See also* *M.S.*, Docket Nos. 19-1090 & 20-0408 (issued April 20, 2020); *J.W.*, Docket No. 19-1688 (issued March 18, 2020); *George Simpson*, Docket No. 93-0452 (issued February 18, 1994); *Arlonia B. Taylor*, 44 ECAB 591 (1993) (Groom, Member, concurring in part and dissenting in part); *Douglas E. Billings*, 41 ECAB 880 (1990).

The Board, having duly considered the matter, notes that once appellant filed the Board appeal on July 15, 2019 in response to OWCP's February 22, 2019 decision OWCP had no jurisdiction to issue its August 6 and September 19, 2019 decisions as they involve the same underlying issue of whether OWCP properly denied authorization for left wrist joint repair surgery. Consequently, the August 6 and September 19, 2019 decisions are null and void.²

Pursuant to 5 U.S.C. § 8149 and 20 C.F.R. §§ 501.2(c) and 501.3(a), the Board's jurisdiction is limited to review of final adverse decisions of OWCP issued under the Federal Employees' Compensation Act. As the August 6 and September 19, 2019 decisions are null and void, the appeal assigned Docket No. 20-0200 does not contain a final adverse decision over which the Board may properly take jurisdiction. Therefore, the Board finds that the appeal docketed as No. 20-0200 is dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 20-0200 is dismissed.

Issued: May 25, 2022
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

² *Id.*